

1.1 **Senator Abeler from the Committee on Human Services Reform Finance and Policy,**
1.2 **to which was referred**

1.3 **S.F. No. 3728:** A bill for an act relating to judiciary; establishing statutory procedure to
1.4 assess competency of defendant to stand trial; providing for contested hearings; establishing
1.5 forensic navigators; requiring forensic navigators to provide services to certain defendants;
1.6 establishing continuing supervision for certain defendants found incompetent to stand trial;
1.7 authorizing administration of neuroleptic medications; establishing requirements to restore
1.8 certain defendants to competence; establishing planning and implementation committee;
1.9 establishing certification program for competence restoration programs; appropriating
1.10 money; proposing coding for new law in Minnesota Statutes, chapter 628.

1.11 Reports the same back with the recommendation that the bill be amended as follows:

1.12 Page 21, after line 11, insert:

1.13 "Sec. 20. JUVENILE COMPETENCY RESTORATION TASK FORCE.

1.14 Subdivision 1. Establishment; purpose. The juvenile competency restoration task force
1.15 is established to evaluate and study juvenile competency restoration programs and develop
1.16 recommendations to address the needs of juveniles deemed incompetent to stand trial.

1.17 Subd. 2. Membership. (a) The juvenile competency restoration task force consists of
1.18 the following members, appointed as follows:

1.19 (1) a representative appointed by the governor's office;

1.20 (2) the commissioner of human services or designee;

1.21 (3) the commissioner of corrections or designee;

1.22 (4) a representative from direct care and treatment services with experience in competency
1.23 evaluations, appointed by the commissioner of human services;

1.24 (5) a representative appointed by the designated State Protection and Advocacy system;

1.25 (6) the ombudsman for mental health and developmental disabilities;

1.26 (7) a representative appointed by the Minnesota Hospital Association;

1.27 (8) a representative appointed by the Association of Minnesota Counties;

1.28 (9) two representatives appointed by the Minnesota Association of County Social Service
1.29 Administrators: one from the seven-county metropolitan area, as defined under Minnesota
1.30 Statutes, section 473.121, subdivision 2; and one from outside the seven-county metropolitan
1.31 area;

1.32 (10) a representative appointed by the Minnesota Board of Public Defense;

1.33 (11) two representatives appointed by the Minnesota County Attorneys Association;

- 2.1 (12) a representative appointed by the Minnesota Chiefs of Police Association;
- 2.2 (13) a representative appointed by the Minnesota Psychiatric Society;
- 2.3 (14) a representative appointed by the Minnesota Psychological Association;
- 2.4 (15) a representative appointed by the State Court Administrator;
- 2.5 (16) a representative appointed by the Minnesota Association of Community Mental
- 2.6 Health Programs;
- 2.7 (17) a representative appointed by the Minnesota Sheriffs' Association;
- 2.8 (18) a representative appointed by the Minnesota Sentencing Guidelines Commission;
- 2.9 (19) a jail administrator appointed by the commissioner of corrections;
- 2.10 (20) a representative from an organization providing reentry services appointed by the
- 2.11 commissioner of corrections;
- 2.12 (21) a representative from a mental health advocacy organization appointed by the
- 2.13 commissioner of human services;
- 2.14 (22) a person with direct experience with competency restoration appointed by the
- 2.15 commissioner of human services;
- 2.16 (23) representatives from organizations representing racial and ethnic groups
- 2.17 overrepresented in the justice system appointed by the commissioner of corrections;
- 2.18 (24) a crime victim appointed by the commissioner of corrections; and
- 2.19 (25) a pediatrician appointed by the Minnesota Academy of Pediatrics.
- 2.20 (b) Appointments to the task force must be made no later than July 15, 2022, and members
- 2.21 of the task force may be compensated as provided under Minnesota Statutes, section 15.059,
- 2.22 subdivision 3.
- 2.23 Subd. 3. **Duties.** The task force must:
- 2.24 (1) identify current services and resources available for juveniles in the criminal justice
- 2.25 system who have been found incompetent to stand trial;
- 2.26 (2) analyze current trends of competency referrals by county and the impact of any
- 2.27 diversion projects or stepping-up initiatives;
- 2.28 (3) analyze selected case reviews and other data to identify risk levels, service usage,
- 2.29 housing status, and health insurance status of those individuals in the selected case reviews
- 2.30 prior to being jailed;

3.1 (4) research how other states address juvenile competency restoration, including funding
 3.2 and structure of juvenile competency restoration programs and jail-based programs; and

3.3 (5) develop recommendations to address the issue of juveniles deemed incompetent to
 3.4 stand trial, including increasing prevention and diversion efforts, providing a timely process
 3.5 for reducing the amount of time individuals remain in the criminal justice system, determining
 3.6 how to provide and fund juvenile competency restoration services in the community, and
 3.7 defining the role of counties and the state in providing competency restoration to juveniles.

3.8 Subd. 4. **Officers; meetings.** (a) The commissioner of human services shall convene
 3.9 the first meeting of the task force no later than August 1, 2022.

3.10 (b) The task force must elect a chair and vice-chair from among its members and may
 3.11 elect other officers as necessary.

3.12 (c) The task force is subject to the Minnesota Open Meeting Law under Minnesota
 3.13 Statutes, chapter 13D.

3.14 Subd. 5. **Staff.** (a) The commissioner of human services must provide administrative
 3.15 support to the task force.

3.16 (b) The task force may utilize the expertise of the Council of State Governments Justice
 3.17 Center.

3.18 Subd. 6. **Report required.** (a) By February 1, 2023, the task force shall submit a report
 3.19 on its progress and findings to the chairs and ranking minority members of the legislative
 3.20 committees with jurisdiction over mental health and corrections.

3.21 (b) By February 1, 2024, the task force must submit a written report including
 3.22 recommendations and proposed legislation to address the growing number of juveniles
 3.23 deemed incompetent to stand trial to the chairs and ranking minority members of the
 3.24 legislative committees with jurisdiction over mental health and corrections.

3.25 Subd. 7. **Expiration.** The task force expires upon submission of the report in subdivision
 3.26 6, paragraph (b), or February 1, 2024, whichever is later.

3.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.28 Sec. 21. **CORRECTIONS; APPROPRIATION.**

3.29 \$2,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
 3.30 of corrections to supervise individuals covered by this act. This is a onetime appropriation.

3.31 Of this amount:

4.1 (1) \$1,420,000 is added to the Community Corrections Act subsidy under Minnesota
4.2 Statutes, section 401.14;

4.3 (2) \$220,000 is added to the county probation officers reimbursement under Minnesota
4.4 Statutes, section 244.19, subdivision 6; and


4.5 (3) \$360,000 is to be retained by the department for supervision by its own agents."

4.6 Renumber the sections in sequence

4.7 Amend the title as follows:

4.8 Page 1, line 9, after the first semicolon, insert "establishing a juvenile competency
4.9 restoration task force;"

4.10 And when so amended the bill be re-referred to the Committee on Judiciary and Public
4.11 Safety Finance and Policy without recommendation. Amendments adopted. Report adopted.

4.12 
4.13
(Committee Chair)

4.14 March 8, 2022.....
4.15 (Date of Committee recommendation)